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JUL 25 2017

Ventura County Grand Jury

Grand Jury  
800 South Victoria Avenue  
Ventura, CA 93009  
(805) 477-1600  
Fax: (805) 658-4523  
grandjury.countyofventura.org

Response to Grand Jury Report Form

Report Title: Oxnard Red Light Cameras

Report Date: May 25, 2017

Response by: Greg Nyhoff  
Scott Whitney

Title: City Manager  
Police Chief

FINDINGS / CONCLUSIONS

- I (we) agree with the findings / conclusions numbered: C-03, C-04
- I (we) disagree wholly or partially with the Findings / Conclusions numbered: \_\_\_\_\_

(Attach a statement specifying any portions of the Findings / Conclusions that are disputed; include an explanation of the reasons.)

RECOMMENDATIONS

- Recommendations numbered R-03 have been implemented.  
(Attach a summary describing the implemented actions and date completed.)
- Recommendations number R-01, R-02, R-04 have not yet been implemented, but will be implemented in the future.  
(Attach a time frame for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.

Date: 7-19-17

Signed: Greg Nyhoff

Number of pages attached: \_\_\_\_\_

COUNCIL APPROVED  
7/18/2017 NI  
DATE

## Response to Grand Jury Report Form

Report Title: **Final Report Oxnard Red Light Cameras**

Report Date: May 25, 2017

Response by: Greg Nyhoff  
Scott Whitney

Title: City Manager, City of Oxnard  
Title: Police Chief

### FINDINGS

- I (we) agree with the findings / conclusions numbered: C-03, C-04

C-03: The duration of the yellow light at four RLC intersections, as reported by the City, is not in conformance with the CA MUTCD. Even small inaccuracies in yellow light durations pose a potential financial liability to the City as citations could be dismissed. The yellow light duration discrepancy was due to an oversight within the City's Traffic Engineering Division and has since been corrected.

*All traffic signal yellow light duration times within the city are now CA MUTCD compliant.*

C-04: The missing required Photo Enforced sign at the intersection of southbound Victoria Avenue and Channel Islands Boulevard poses a potential loss of revenue to the City. Resulting citations could be dismissed.

*All RLC intersections will have required signage upon reimplementation of a RLC program within the City.*

- I (we) disagree wholly or partially with the Findings / Conclusions numbered: C-01, C-02

C-01: The Redflex contract was not well vetted by the City prior to the signing. The contract's effective date is missing. The Cost Neutrality clause is vague and does not make it clear if the City is required to pay any accrued balance at the end of the contract period. If the City does not prevail in its interpretation of the clause, the City may be exposed to a significant financial liability.

*The Agreement between the City and Redflex was presented before the Oxnard City Council on September 23, 2008, with the knowledge and intent that the Agreement began once it was approved by the Council. The Agreement was vetted through several levels which included internal documentation which listed the*

*Agreement's date of initiation and term. There was never a disagreement between the City and Redflex regarding the Agreement's approval date and termination date. In fact, the City and Redflex took care to ensure that the Agreement was extended as provided for in the Agreement.*

**C-02:** It appears the RLC program as currently structured is likely to generate a significant outstanding balance. The fact that an \$806,460 balance was allowed to accrue over nine years, despite multiple contract extensions, suggests the City has not employed proper oversight in regards to the RLC program.

*The 2008 Agreement included a "Cost Neutrality" clause" which states the following: "Cost neutrality is assured to the Customer – Customer will never be required to pay Redflex more than actual cash received." It has always been the City's opinion that, although the system routinely did not generate revenues to meet the system's operating costs, the City would not be burdened with an accrued balance at the end of the Agreement pursuant to the Cost Neutrality terms. The City has discussed the grand jury conclusions with Redflex and has been notified that Redflex agrees to waive any outstanding balance under the cost neutrality provisions of the 2008 Agreement (as amended or extended).*

## **RECOMMENDATIONS**

- Recommendations numbered **R-03** have been implemented.

**R-03:** The Grand Jury recommends the City Council direct a program be instituted, starting with the RLC intersections, to ensure yellow light duration at all intersections is set in accordance with the CA MUTCD.

*Prior to the Grand Jury's inquiry, the City was informed of a discrepancy related to the yellow light duration at several RLC intersections within the city. As a result, in December of 2016, the Police Department conducted an investigation and found that the yellow light duration at three (3) RLC intersections (Rose Avenue/Gonzales Road, Saviers Road/Channel Islands Boulevard, and Victoria Avenue /Wooley Road) were not in conformance with CA MUTCD requirements that went into effect on August 15, 2015. The RLC systems at the three (3) affected intersections were immediately deactivated and citations issued at the intersections, which met certain criteria, were dismissed by the Ventura County Courts. The yellow light duration discrepancy was due to an oversight within the City's Traffic Engineering Division and has since been corrected. All traffic signal yellow light duration times within the city are now CA MUTCD compliant.*

- Recommendations numbered **R-01, R-02, R-04** have not yet been implemented, but will be implemented in the future.

**R-01:** The Grand Jury recommends the City Council ensure any future RLC contracts do not obligate the city to pay vendors more than the revenue collected by the City, less

operating expenses.

*The City has not made a determination whether or not to enter into a new agreement with Redflex. It is, however, the intent to ensure that the City will never pay more than the revenue generated by the system.*

**R-02:** The Grand Jury recommends the City Council require an audit of the RLC program, dating back to the 2008 Redflex contract. The audit should examine if adequate oversight, financial controls, and procedures were employed in the management of the program.

*The City will conduct an audit of the Red Light Camera program dating back to 2008 per the Grand Jury's recommendation.*

**R-04:** The Grand Jury recommends the City Council arrange for the installation of the required Photo Enforced sign at the intersection of southbound Victoria Avenue and Channel Islands Boulevard

*The City will ensure that all signs and notices related to Automated Red Light Camera Enforcement are in compliance with current legal requirements upon the reimplementation of the Program.*

Date: 7/18/17

Signed:   
Tim Flynn, Mayor


ATTEST:

  
Michelle Ascencion, City Clerk

Date: 7-19-17

Signed:   
Greg Nyhoff, City Manager

Date: 7/19/17

Signed:   
Scott Whitney, Police Chief

Number of pages attached: 1